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Ronald L. Wilson, Director
Health Assessment Policy Staff
Office of Health Affairs (HFY-20)
Food and Drug Administration
5600 Fishers Lane, Room 15-22
Rockville, MD 20857

#41
Re: 2,2'-ethylidenebis(4,6-di-
tertbutylphenyl)fluorophosphonite
FDA Docket No. 97E-0290

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**OFFICE OF PETITIONS
A/C PATENTS**

Dear Mr. Wilson:

Transmitted herewith is a copy of the application for patent term extension of U.S. Patent No. 4,912,155. The application was filed on March 14, 1997, under 35 U.S.C. § 156.

The patent claims a product that was subject to regulatory review under the Federal Food, Drug and Cosmetic Act. Subject to final review, the subject patent is considered to be eligible for patent term restoration. Thus, a determination by your office of the applicable regulatory review period is necessary. Accordingly, notice and a copy of the application are provided pursuant to 35 U.S.C. § 156(d)(2)(A). It is noted that an application for patent term extension for U.S. Patent No. 4,867,912 based upon the regulatory review of Aqueous Aryl Fluorophosphite Suspension® has also been filed, but that applicant will be required to elect a single patent for extension.

Telephone inquiries regarding this matter should be directed to the undersigned at (703)306-3159.

Karin Tyson
Karin Tyson
Senior Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

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